IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 206 OF 2004

Ratan N. Kotecha..... .. Applicant.

Versus

Dharam Veer Singh & Anr.... .. Respondents.

Mr. R.D.Suryawanshi for the Applicant.

Mr. Gaurav Gautam for Respondent No.1.

Mr. D. R. More, Addl.G.P. for State.

CORAM : A. M. KHANWILKAR, J.

DATED : 10TH SEPTEMBER, 2004.

P.C.:

Heard learned Counsel for the parties.

2. Rule. Rule made returnable forthwith by consent.

3. Mr.Gaurav Gautam, learned Counsel waives service of notice for Respondent No.1. Mr. More, learned Addl. Government Pleader, waives service of notice for the State.

4. As short question is involved, the Revision Application is taken up for final disposal forthwith by consent.

5. The Applicant has been convicted for offence punishable under Section 138 of the Negotiable Instrument Act. It is not in dispute that during the pendency of Appeal before the Sessions Court, the Applicant has amicably settled the matter with the Complainant by paying requisite amount to the Complainant. As the Applicant has already discharged the liability and parties have amicably resolved their dispute, in view of the decision of the Apex Court reported in (2004) 4 SCC 366 **(Anilkumar Haritwal & anr. v/s Alka Gupta & Anr.),** this revision application ought to succeed.

6. In the circumstances, the impugned decision of the Courts below are set aside having regard to the dispute having amicably settled between the parties.

7. All Authorities concerned to act on an ordinary copy of this order duly authenticated as true copy by the Office.

Sd/-

(A. M. KHANWILKAR, J.)